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10/693,394	10/24/2003	Mikhail Godin	351999-991410	1651
29585 7590 06/11/2008 DLA PIPER US LLP 153 TOWNSEND STREET SUITE 800 SAN FRANCISCO, CA 94107-1957				
EXAMINER				
DABNEY, PHYLESHA LARVINIA				
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/693,394  
Filing Date: October 24, 2003  
Appellant(s): GODIN, MIKHAIL

\_\_\_\_\_  
Gerald T. Sekimura  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed April 18, 2008 appealing from the Office Action mailed August 8, 2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1 and 2.

Claims 34, 36, and 38 are allowed.

Claims 3, 5, 7, 10-20, 25, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4, 6, 8-9, 21-24, 27-33, 35, 39-40 are withdrawn from consideration as not directed to the elected Group and/or Species.

Claim 37 has been canceled.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,898,244

KOTSIANAS et al

4-1999

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Kotsianas et al (U.S. Patent No. 5,898,244). The rejection is set forth in the prior Office Action, mailed on August 8, 2007.

Regarding claim 1, Kotsianas teaches a linear actuator comprising a core (16) having a longitudinal axis; a coil (14) shaped for movement along the longitudinal axis of the core; and a

magnet structure (12, 18) positioned along the longitudinal axis of the core; wherein the core includes first and second portions, each including an end face (near 66, 72) and a cavity (at 66, 72 relative to core 16) having an axis of symmetry along the longitudinal axis of the core, and further wherein the first and second portions are positioned so that the end faces oppose each other and are separated by a gap (62).

Regarding claim 2, Kotsianas teaches the linear actuator of claim 1, further including a housing (58, 60) supported by core flanges and positioned about the coil and the core.

#### **(10) Response to Argument**

With respect to the Appellant's argument that the Kotsianas reference does not teach or suggest *a core including "first and second portions, each including an end face and a cavity formed in the end face...wherein the first and second portions are positioned so that the end faces oppose each other and are separated by a gap* as suggested by claim 1, the Examiner disagrees.

Kotsianas teaches the core (16) including first and second portions (*which reads on the first end (34) and second end (36)*), each including an end face (*which reads on the outside of the core namely near insertion areas for 66, 72; specifically end faces 34, 36*) and each including cavity (*which reads on the area of the core carved out for the insertion of shaft 66 and pin 72*) formed in the end face...wherein the first and second portions are positioned so that the end faces oppose each other (*represent opposite sides of the core relative to each other*) and are separated by a gap (*which reads on gap (62) positioned medial to the end faces, thus separating the two portions*).

With respect to the Appellant's argument that the Kotsianas reference does not teach or suggest *a housing (58, 60) supported by core flanges and positioned about the coil and the core* as suggested by claim 2, the Examiner disagrees.

Kotsianas teaches the linear actuator of claim 1, further including a housing (58, 60) supported by core flanges and positioned about the coil and the core (*which reads the outer core section (48) being used to attach the housing such that the housing is positioned about the coil and inner core (16)*).

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Phylesha L Dabney/  
Examiner, Art Unit 2614  
June 5, 2008

Conferees:

/Curtis Kuntz/

Supervisory Patent Examiner, Art Unit 2614

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2615

